

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

ALEXIS NELL MALTMAN, individually and)
on behalf of all others similarly situated,)
Plaintiffs,) Case No.
v.)
CHICAGO ATHLETIC CLUBS, LLC,) Class Action
Defendant.)
)

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1331, 1441 and 1446, Defendant, Chicago Athletic Clubs, LLC ("CAC"), hereby gives notice of the removal of this civil action from the Circuit Court of Cook County, Illinois, Chancery Division, to the United States District Court for the Northern District of Illinois. In support of this Notice of Removal, Defendant states:

BACKGROUND

1. Plaintiff, Alexis Nell Maltman ("Plaintiff"), on behalf of herself and all other similarly situated individuals, filed a Class Action Complaint and Demand for Jury Trial against CAC in the Circuit Court of Cook County, Illinois, Chancery Division, Case No. 2019 CH 00868, styled *Alexis Nell Maltman, et al. v. Chicago Athletic Clubs, LLC* (the "State Action"). The State Action is currently pending.

2. In the State Action, Plaintiff alleges a single claim for violation of the Telephone Consumer Protection Act, a United States statute codified at 47 U.S.C. § 227 ("TCPA").

3. Plaintiff commenced the State Action against CAC by service of process upon CAC's registered agent. Plaintiff served CAC on February 14, 2019. CAC has not yet filed a responsive pleading to Plaintiff's Complaint.

BASIS FOR REMOVAL

4. A civil action brought in a state court of which the district courts of the United States have original jurisdiction may be removed by the defendant to the district court of the United States for the district and division embracing the place where the action is pending. 28 U.S.C. § 1441(a). 28 U.S.C. § 1331 gives the district courts original jurisdiction of "all civil actions arising under the Constitution, laws, or treaties of the United States." *Id.* An action "arises under" federal law if the complaint alleges a federal claim.. Here, Plaintiff claims CAC violated the TCPA, a United States statute. Accordingly, the Complaint is removable under federal question jurisdiction. *See* 28 U.S.C. § 1441(a).

5. Venue is proper in this District pursuant to 28 U.S.C. § 1441(a) because the action was originally filed in the Circuit Court of Cook County, Illinois, located within the District and Division of this Court.

6. In accordance with 28 U.S.C. § 1446(a), copies of all papers filed in the State Action are attached as **Exhibit 1**.

7. Pursuant to 28 U.S.C. § 1446(b)(2)(B), CAC had thirty (30) days from February 14, 2019 – the date of the service of the Complaint and Summons – to file its Notice of Removal, *i.e.*, until March 18, 2019. Thus, CAC's Notice of Removal is timely.

8. Pursuant to 28 U.S.C. § 1446(d), CAC is providing written notice to Plaintiff of the removal of this action through her counsel of record, Benjamin H. Richman and Sydney M. Janzen, Edelson PC, 350 North LaSalle Street, 14th Floor, Chicago, Illinois 60654.

9. Pursuant to 28 U.S.C. § 1446(d), a copy of this Notice of Removal is being filed with the Clerk of the Circuit Court of Cook County, Illinois.

CONCLUSION

10. For all the reasons set forth above, CAC removes to this Court the State Action brought by Plaintiff in the Circuit Court of Cook County, Illinois.

Dated: March 18, 2019

Respectfully submitted,

By: /s/ J.H. Jennifer Lee
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*Attorney for Defendant
Chicago Athletic Clubs, LLC*

CERTIFICATE OF SERVICE

I hereby certify that on March 18, 2019, I electronically filed the foregoing Notice of Removal using the CM/ECF system. In addition, I served the foregoing Notice of Removal via U.S. Mail and email upon the following:

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/s/ J.H. Jennifer Lee
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